

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
MONTANA BILLINGS DIVISION

TERRY ROD,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

CV-20-148-BLG-SPW-KLD

ORDER

This case arises out of a discrimination claim brought by Plaintiff Terry Rod against Defendant BNSF. Plaintiff alleges mismanagement of his discrimination claim before the Montana Human Rights Commission and violation of the Montana Unfair Trade Practices Act during the handling of Plaintiff's discrimination claim. On October 18, 2021, the Parties had a telephonic scheduling conference and discussed various issues.

A threshold question affecting this matter is whether Plaintiff's third-party bad faith claim is ripe for adjudication when the Montana Human Rights Commission decision is being appealed pursuant to Mont. Code. Ann. § 49-2-505(a). The parties agreed to brief this issue during the telephonic conference. Accordingly,

IT IS ORDERED that Defendant's opening brief will be due on November 12, 2021 and Plaintiff's response brief will be due on December 3, 2021. The deadline for an optional reply brief is December 10, 2021.

DATED this 18th day of October, 2021.



Kathleen L. DeSoto
United States Magistrate Judge